

**A.Y. STRAUSS LLC**

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Chapter 11 Trustee*

**UNITED STATES DISTRICT COURT  
FOR DISTRICT OF NEW JERSEY**

Andrea Dobin, the Chapter 11 Trustee of Frutta  
Bowls Franchising, LLC,

Plaintiff,

-against-

Berkowitz Lichtstein Kuritsky, Giasullo & Gross,  
LLC and Eric Melzer,

Defendants.

Case No.: 21-cv-16329

**AFFIDAVIT OF MERIT  
PURSUANT TO  
N.J.S.A. § 2A:53A-27**

STATE OF PENNSYLVANIA

:ss.:

COUNTY OF PHILADELPHIA

Tom Spadea, being of sound mind and body and being duly sworn to oath, says:

1. I make this Affidavit of Merit Pursuant to N.J.S.A. § 2A:53A-27.
2. I am a partner and a founding partner at Spadea Lignana – a firm that specializes in franchise law.
3. I have reviewed the complaint in this matter and based on my education, experience and knowledge of the facts, I find that the allegations therein allege a viable cause of action such that there exists a reasonable probability that the care, skill, or knowledge exercised by the Defendant Berkowitz Lichtstein Kuritsky, Giasullo & Gross, LLC and Defendant Eric

Melzer (which is the subject of the complaint filed by Andrea Dobin, the Chapter 11 Trustee of Frutta Bowls Franchising, LLC) fell outside acceptable professional or occupational standards or treatment practices.

4. I do not have a financial interest in the outcome of this case. I may serve as an expert witness for Plaintiff, however.



Tom Spadea

Subscribed to and sworn before me  
this 2<sup>nd</sup> day of March, 2022



Notary Public

